UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/23993
22 May 1992

ORIGINAL: ENGLISH

NOTE BY THE SECRETARY-GENERAL

The Secretary-General has the honour to transmit to the Security Council a report submitted by the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991).

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Annex

Letter dated 22 May 1992 from the Executive Chairman of the Special Commission addressed to the Secretary-General

As requested by the President of the Security Council, I am submitting herewith a report on the status of compliance by Iraq with the obligations placed upon it under section C of Security Council resolution 687 (1991) and Council resolutions 707 (1991) and 715 (1991) for use in the Council's 60-day review of the sanctions imposed upon Iraq.

(Signed) Rolf EKEUS
Executive Chairman
Office of the Special Commission

Report on the status of compliance by Iraq with the obligations placed upon it under section C of Security Council resolution 687 (1991) and resolutions 707 (1991) and 715 (1991)

A. Introduction

1. Since the circulation on 7 March 1992 of the report of the Secretary-General on the status of compliance by Iraq with the obligations placed upon it under certain of the Security Council resolutions relating to the situation between Iraq and Kuwait, 1/ a further report of the Secretary-General dated 10 April 1992 2/ has been issued which contains the six-monthly report of the Executive Chairman of the Special Commission on the implementation of the plans adopted under Security Council resolution 715 (1991) for ongoing monitoring and verification of Iraq's obligations not to reacquire weapons proscribed to it under the terms of Council resolution 687 (1991). In addition, three statements of the President of the Security Council have been circulated as Security Council documents: the President's opening remarks at the 11-12 March 1992 meeting of the Security Council, 3/ the statement made by the President on 12 March 1992 on behalf of the members of the Council at the end of that meeting, 4/ and the statement made by the President on 10 April 1992 on behalf of the members of the Council in response to the implicit threats made by Iraq to the safety of the Special Commission's high-altitude surveillance aircraft. 5/

2. The present report contains a brief account of the developments documented in the report of 10 April 1992 and the Council's actions on it. It then brings up to date the information contained in the report of 7 March 1992 in so far as it relates to the inspection activities undertaken under the aegis of the Special Commission in the discharge of its responsibilities under section C of Security Council resolution 687 (1991).

B. Security Council resolutions 707 (1991) and 715 (1991)

3. The Secretary-General's report of 7 March 1992 concluded that, despite the vigorous efforts of the Security Council and the Special Commission, Iraq had still not acknowledged its obligations under Council resolutions 707 (1991) and 715 (1991) nor had it provided the full, final and complete disclosure of all aspects of its proscribed weapons programmes nor the initial declarations required under the plans for future ongoing monitoring and verification. That report also noted that a high-level Iraqi delegation was due to meet the Security Council in the immediate future and that the solution to the matter lay with Iraq.

4. On 11 and 12 March 1992 the high-level Iraqi delegation, headed by the Deputy Prime Minister, appeared before the Security Council. At the outset of that meeting, the President of the Council made a statement on behalf of its members 3/ in which he recalled in some detail the Council statements of 19 February 1992 6/ and 28 February 1992. 7/

5. The Deputy Prime Minister of Iraq addressed the Council on 11 March 1992, and on 12 March he responded to questions addressed to him by members of the Council. 8/ The unconditional assurances which the Council had been seeking were not forthcoming on either occasion. In his initial statement, he said that Iraq was "no longer in possession of any weapons, munitions or major or minor systems prohibited by resolution 687 (1991)" and that "the equipment used, or allegedly used, in producing such items has been identified". In regard to ongoing monitoring and verification, the Deputy Prime Minister stated that Iraq was prepared to cooperate, while underlining the need for respect for Iraqi dignity, sovereignty and national security.

6. On 12 March 1992, the President of the Council made a statement, on behalf of the Council, in which, with reference to "the extent of compliance by the Government of Iraq with its obligations under the relevant Security Council resolutions", he recorded that "the Government of Iraq has not yet complied fully and unconditionally with those obligations, must do so and must immediately take the appropriate actions in this regard". The President's statement concluded with the Council's hope that "the goodwill expressed by the Deputy Prime Minister of Iraq will be matched by deeds".

7. On 12 and 13 March 1992, an Iraqi team, drawn from amongst the members of the high-level Iraqi delegation to the Security Council, met officials from the Office of the Executive Chairman of the Commission. The latter provided to the former detailed explanations as to the format and modalities required by the Special Commission's plan for ongoing monitoring and verification under its different sections and annexes. The Iraqi team promised to provide, by early April, the information required under the plan except on the sources of imported items and on operational deployment or disposition of relevant weapons. The Commission's side stressed, however, that the information should be provided in full as required by the plan. In addition, the Iraqi team promised that Iraq would provide, within the same time-frame, the full, final and complete disclosure of all aspects of its proscribed weapons programmes as required under Security Council resolution 707 (1991). Iraq invited the Commission to visit Baghdad in order to review both sets of draft declarations. The Commission indicated that it would accept the invitation if it received the declarations and Iraq's clear acknowledgement of its obligations arising from resolutions 707 (1991) and 715 (1991) ahead of the visit. Subsequently, the Iraqi authorities stated that such formal acknowledgement of its obligations would be forthcoming soon. Iraq has not yet fulfilled any of these promises and there is no indication of when it will.

8. On 10 April 1992 the Secretary-General, as required by paragraph 8 of Security Council resolution 715 (1991), submitted to the Council a report on the status of the implementation of the Special Commission's plan for the ongoing monitoring and verification of Iraq's compliance with relevant parts of section C of Security Council resolution 687 (1991). 2/ The Secretary-General's report, after recounting pertinent details on the developments outlined above, concluded that Iraq had neither been in compliance with Security Council resolutions nor with the plans. The members of the Council decided that the President of the Council should convey to the

Iraqi Permanent Representative to the United Nations that Iraq's compliance with the plans was imperative. This he did on 22 April 1992. A formal Iraqi response is still awaited.

C. Inspection activities and other issues arising under section C of Security Council resolution 687 (1991) and related resolutions

1. Chemical and biological weapons

9. In the chemical area, while verification and survey activities continue, there has been a progressive shift in emphasis with relatively more time and resources being devoted to issues directly related to the destruction of Iraq's identified chemical weapons assets. At Khamisiyah, the Special Commission has supervised the first destruction of filled chemical munitions, while at the Muthanna site work is progressing to construct chemical agent destruction plants. The aim is to have these plants commissioned during the summer of 1992. A new development was the Iraqi admission of 19 March 1992 that it had omitted to declare 24,470 chemical munitions and that these weapons had been unilaterally destroyed in direct contravention of resolution 687 (1991), which requires that possession of Iraq's chemical weapons should be yielded to the Commission for destruction, removal or rendering harmless under its supervision. An inspection team has since been able to verify, by examining the excavated remains of the munitions, that the numbers contained in the Iraqi declarations were substantially correct.

10. There have been few developments on the biological side. Inspection activities have continued through joint chemical/biological teams.

2. Ballistic missiles

11. In the ballistic missile area, the emphasis has shifted to the destruction of facilities associated with Iraq's production programme. The Executive Chairman informed the Iraqi authorities that destruction should start in February 1992. Initially, as recorded in the 7 March 1992 report, Iraq delayed and refused to comply. Only at the end of March 1992 did Iraq allow the destruction of these facilities to begin. This destruction programme is now well-advanced.

12. Meanwhile, inspection activities also continued, with Iraq maintaining that it no longer had any missiles with a range greater than 150 kilometres and hence that there was no further missile destruction to be done. Confronted, however, with the knowledge that the Special Commission had incontrovertible evidence that Iraq's initial declarations of April 1991 had not included a substantial number of ballistic missiles and related equipment then in its possession, Iraq presented on 19 March 1992 a new declaration. In it Iraq admitted that it had failed to declare 92 proscribed ballistic missiles and much associated equipment and vehicles, including mobile missile

launchers, and that it had destroyed these unilaterally, in contravention of resolution 687 (1991), in the summer of 1991. Inspection teams since then have been able to verify that the numbers contained in this new declaration were substantially correct.

13. However, while events have proceeded more smoothly at the field level than at the political level, there have been occasions when there has been deliberate interference with inspection activities, e.g. tampering with equipment designated for removal by inspection teams for further analysis and doctoring of documentation. Such interference, coupled with Iraq's failure to date to provide the full, final and complete disclosure required under resolution 707 (1991), can only be interpreted as evidence that Iraq is still seeking to conceal from the Special Commission information directly relevant to section C of resolution 687 (1991).

D. Issues relating to the obligations of Iraq in connection with the facilities, privileges and immunities of the Special Commission and the International Atomic Energy Agency

1. Landing rights

14. Another issue which remains unresolved is that of landing rights for the Special Commission's fixed-wing aircraft in the Baghdad area. Up to the present, landing rights facilities have been made available by the Iraqi authorities for these aircraft at Habbaniyah airfield, 100 kilometres from Baghdad, although two airfields within Baghdad city limits have been returned to operational use (Muthanna and Rasheed).

15. Reference to the difficulties experienced in this regard were made in paragraph 31 of section B of the annex to the Secretary-General's report to the Security Council of 25 January 1992 9/ and the matter was elaborated upon in paragraphs 7 and 8 of the Executive Chairman's special report to the Council of 18 February 1992. 10/

16. On 11 April 1992, the Executive Chairman addressed a letter to the Minister of State for Foreign Affairs of Iraq recalling the entire history of the matter. In that letter, the Executive Chairman indicated that the Special Commission will have in the near future to make a determination that Rasheed airfield is the most appropriate for the work of the Commission, unless in the interim the Iraqi authorities propose to the Commission an airport in Baghdad which meets the Commission's requirements. Rasheed would permit consolidation of all the Commission's air operations at one location convenient for its offices and accommodation in Baghdad and would obviate the long delays occasioned by the use of Habbaniyah. At Habbaniyah, the distance from Baghdad has been compounded as a source of delay by the resumption of flights by Iraqi military aircraft requiring the Commission to take long detours to reach the airport facilities. If a determination of the nature just outlined becomes necessary, it would be reported by the Executive Chairman to the Security Council.

2. Aerial surveillance

17. A separate problem has been that of the Special Commission's high-altitude surveillance aircraft. On 10 April 1992 the Special Commission received from the Iraqi Chargé d'affaires a letter warning that to persist with a notified flight might endanger the safety of the aircraft and its crew. This matter was reported forthwith to the Security Council, which immediately issued a statement warning Iraq not to interfere with the flight. 5/ Although Iraq then gave assurances that it would not interfere with the flight, it still persists in protesting the flights of this aircraft, despite the clear right of the Commission to undertake them.

3. Document seizure

18. Iraq, as reported in the previous report, still has not returned all the documents forcibly removed from a nuclear inspection team in Baghdad on 23 September 1991.

Summary

19. The further efforts made since 7 March 1992 to obtain Iraq's acknowledgement of and compliance with all its obligations arising from section C of resolution 687 (1991) and resolutions 707 (1991) and 715 (1991) have failed to produce the desired results. The Security Council has noted in the statement made on 19 February 1992 on its behalf by the President 6/ that Iraq's behaviour in this regard "constitute[s] a continuing material breach of the relevant provisions of resolution 687 (1991)".

20. The Iraqi declaration of 19 March 1992, referred to above, while evidencing some shift by Iraq towards greater openness, has at the same time proven that the Iraqi authorities have not only deliberately misled the Special Commission by omission but have also actively falsified the evidence. Thus, perhaps paradoxically, this potential shift towards more transparency, while welcomed if it heralds a real shift towards a fully cooperative attitude on the part of the Government of Iraq, has taken place under circumstances that justify the Commission's scepticism of Iraq's declarations in the past. It also indicates that, at least for the immediate future, new declarations will also have to be closely scrutinized and that the Commission will have to continue with its programme of inspection and survey missions.

21. Although some progress has been made, clearly much remains to be done. In particular, the following require action before the Commission can report to the Security Council that Iraq is in substantial compliance with its obligations:

(a) The destruction, removal or rendering harmless of Iraq's prohibited weapons capabilities - i.e., equipment and facilities associated with its weapons of mass destruction and ballistic missiles programmes and the destruction of Iraq's stocks of chemical munitions, agents and precursors;

(b) Acceptance by Iraq of its obligations under Council resolutions 707 (1991) and 715 (1991);

(c) Provision by Iraq of the required full, final and complete disclosure of all aspects of its programmes for weapons of mass destruction and ballistic missiles with a range greater than 150 kilometres as required under Council resolution 687 (1991) and verification by the Commission of the accuracy of the data provided;

(d) Declarations by Iraq under the plans adopted through resolution 715 (1991), with regard to, inter alia, dual capable facilities used for permitted purposes but which could be used for prohibited purposes;

(e) The initiation and smooth functioning of the plans for future ongoing monitoring and verification to ensure that Iraq does not reacquire prohibited capabilities;

(f) Acceptance by Iraq of the Special Commission's aircraft landing rights.

22. The Special Commission remains determined effectively to fulfil the mandate delegated to it under Security Council resolutions 687 (1991), 707 (1991) and 715 (1991).

Notes

1/ S/23687.

2/ S/23801.

3/ S/23699.

4/ S/23709.

5/ S/23803.

6/ S/23609.

7/ S/23663.

8/ S/PV.3059 and S/PV.3059 (Resumption 2).

9/ S/23514.

10/ S/23606, annex.